

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION NO. 2661 OF 1994

P. Kalia Perumal
v/s.

.. Petitioner

The Collector of Bombay and others

.. Respondents

Mr.M.M. Vashi for the petitioner.

Mr. Milind More, Assistant Government Pleader for the respondent Nos.1 to 3 and 5.

CORAM : R.M. LODHA &
SMT.NISHITA MHATRE , JJ.

DATED : 17TH JANUARY, 2007

P.C.

We heard Mr. M.M. Vashi, the counsel for the petitioner and Mr. Milind More, the Assistant Government Pleader for the respondent Nos.1 to 3 and 5.

2. The Assistant Government Pleader does not dispute that in the impugned orders, Encroachment Removal Officer (respondent No.3) has held that the disputed structures have come up between the period 1992-93. He also does not dispute that pursuant to the impugned orders, disputed structures were demolished and during the pendency of the petition, by virtue of interim order dated 15.12.1994, the huts were reconstructed in place of the structures that were demolished. The Assistant Government Pleader submitted that the respondent Nos.2 and 3

are not averse to reconsider the petitioner's claim for protection of the structures reconstructed pursuant to the interim order of this court in place of demolition of the old huts.

3. In view of the statement made by the Assistant Government Pleader, it is clear that the impugned orders dated 31st May, 1994 and 16th November, 1994 have been rendered ineffective. The petitioner shall be at liberty to satisfy the respondent Nos.2 and 3 of their legitimacy in retention of the present structures which were built in place of the old structures demolished pursuant to the impugned notice.

4. Writ petition is disposed of accordingly. No costs.

(R.M.LODHA, J.)

(SMT. NISHITA MHATRE, J.)